

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Elpenike Eddy-Aldava,

Plaintiff(s),

vs.

Smith's Food & Drug Centers, Inc.,

Defendant(s).

**2:23-cv-01660-JCM-MDC**

**ORDER**

Pending before the Court is plaintiff's *Motion to Substitute Party* (ECF No. 37). Defendant responded that it did not oppose the motion (ECF No. 38). For the reasons stated below, the Court GRANTS the motion.

**DISCUSSION**

**I. BACKGROUND**

This is a case arising from a slip and fall incident back in December 2022 which resulted in severe injuries and medical expenses. On June 4, 2025, the Court received a *Suggestion of Death* (ECF No. 35), which stated that plaintiff Elpenike Eddy-Aldava passed away on March 21, 2025. On June 5, 2025, the district judge in this case notified parties that if action wasn't taken to substitute party by September 1, 2025, this case would be dismissed. *See ECF No. 36*. On July 16, 2025, plaintiff filed the *Motion for Substitution of Party*. *See ECF No. 37*. Plaintiff's husband, Rodrigo G. Aldava, be substituted as plaintiff as administrator of plaintiff's estate. *Id.* Defendant do not oppose the substitution. *See ECF No. 38*.

**II. MOTION IS UNOPPOSED**

Rule 25(a) of the Federal Rules of Civil Procedure provide that "[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party." Here, the Court finds that Mr. Aldava, as the administrator of the estate, is the proper successor to the decedent in this case. *See Nev. Rev. Stat. § 41.100* (providing that causes of action that survive a decedent "may be maintained by or

1 against the person's executor or administrator.""). For good cause shown, and because the motion is  
2 unopposed, the Court grants the motion to substitute.

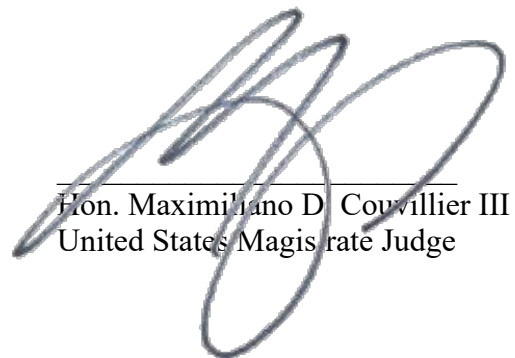
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4 ACCORDINGLY,

5 **IT IS ORDERED that:**

- 6 1. The *Motion to Substitute Party* (ECF No. 37) is **GRANTED**.
- 7 2. The Clerk of Court is instructed to substitute Rodrigo G. Aldava, as the Administrator of the  
8 Estate of plaintiff Elpenike Eddy-Aldava, in place of plaintiff Elpenike Eddy-Aldava.

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10 DATED this 31st day of July 2025.

11 IT IS SO ORDERED.

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14 Hon. Maximiliano D. Couvillier III  
15 United States Magistrate Judge  
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